

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Petition No. 1096 of 2006 (M/S)

1. Sewa Ram S/o Shri Cheta Ram
 2. Gokul S/o Sewa Ram
 3. Sunder Lal S/o Sewa Ram
 4. Ram Prakash S/o Sewa Ram
- All R/o Lal Pur Rampur Petitioners.

Vs

1. District & Session Judge, Nainital.
 2. Forest Ranger Ramnagar
Range Ramnagar.
District Nainital.
- Respondents

Mrs. Krishi Shukla, leaned counsel for the petitioners
Learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

By way of this writ petition, the petitioner have challenged the order dated 13.07.2006 passed by the District & Session Judge, Nainital in Criminal Revision No.30 of 2006.

2. Briefly facts of the case are that an application was filed the petitioners before the Judicial Magistrate, Ramnagar for releasing of the tractor in their favour which was detained in Case Crime No. 1593 of 2006 under Section 147, 332, 336 I.P.C. and 26 Forest Act. The Judicial Magistrate, Ramnagar vide order dated 07.07.2006 directed that the tractor in question be released in favour its owners.

3. The State Government filed the revision against the aforesaid order before the court Sessions Judge, Nainital. The Session Judge, Nainital while admitting the revision issued notice to the petitioners/respondents. The revisional court also directed that the record of the case be also summoned and fixed the revision for final disposal on 23.07.2006.

4. Feeling aggrieved by the order dated 13.07.2006 passed by the Session Judge, Nainital, the petitioners have approached to this Court by way of this petition and have sought the relief that the order dated 13.07.2006 be quashed.

5. Heard Ms. Krishi Shukla, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

6. Having considered the arguments advance by the learned counsel for the petitioners, I am of the view that the impugned order dated 13.07.2006 passed by the Session Judge, Nainital does not require any interference at this stage. The revision itself is posted for final hearing before the learned Sessions Judge, Nainital and the matter is to be finally adjudicated.

7. The revision at this state appears to be premature. No indulgence of this Court is required to grant any relief claimed by the petitioner under Article 226 and 227 of the Constitution of India.

8. With the aforesaid observation, the writ petition is dismissed.

9. However, I direct the learned Sessions Judge, Nainital to decide the revision finally without causing any unreasonable delay in the matter.

(B.C. Kandpal, J.)

17.08.2006
ASWAL